

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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7-ELEVEN, INC.,

Plaintiff,

- against -

Z-ELEVEN CONVENIENCE STORE INC.,

Defendant.  
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**JUDGMENT AND ORDER**  
**OF PERMANENT INJUNCTION**  
16-CV-4116 (RRM) (SJB)

Upon consideration of the motion for default judgment by Plaintiff 7-Eleven, Inc. (“7-Eleven”) against Defendant Z-Eleven Convenience Store Inc. (“Z-Eleven”), the memorandum in support of the motion, the record, and the Report and Recommendation of the assigned Magistrate Judge, adopted in its entirety by separate Order entered this day, and upon this Court’s finding that Z-Eleven has failed to plead or otherwise defend in this action, and the Court having granted 7- Eleven’s motion for default judgment,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment by default be entered in this action in favor of 7-Eleven against Z-Eleven as follows:

1. Final judgment as to liability is hereby entered against Z-Eleven and in favor of 7-Eleven on all of the claims set forth in 7-Eleven’s Complaint;
2. 7-Eleven has suffered damages, including loss of goodwill and damage to its reputation, as a result of Z-Eleven’s conduct;
3. Accordingly, default judgment is hereby entered in favor of 7-Eleven and against Z-Eleven in the amount of \$80,000;
4. Subject to paragraph 5, Z-Eleven and its agents, servants, employees, attorneys,

and all those persons in active concert or participation with them, are preliminarily and permanently enjoined from using the name and mark Z-ELEVEN and the Z-ELEVEN Design (collectively, the “Z-ELEVEN Marks”), any element thereof, and any other name, mark, or trade dress confusingly similar thereto, including the sixteen marks listed in Exhibit A attached hereto;

5. As soon as possible, and no later than three (3) weeks after the entry and service on Z- Eleven of this Injunctive Order, Z-Eleven will permanently remove all Z-ELEVEN Marks from Defendant’s convenience store located at 721 Henry Street, Brooklyn, New York 11231 (“the Infringing Site”) and otherwise eliminate all elements and instances of the Z-ELEVEN Marks from the Infringing Site, including the following;



6. Within 30 days after the entry and service on Z-Eleven of this Injunctive Order, Z- Eleven shall file with this Court and serve upon 7-Eleven a report in writing and under oath setting forth in detail the manner and form in which Z-Eleven has complied with the injunction;
7. Any violation of this Injunctive Order may be punishable as a contempt of Court, in addition to any and all other remedies available at law or in equity.

8. The Court will retain jurisdiction over this action to enforce this Judgment and Order of Permanent Injunction.





DONE AND ORDERED this 26<sup>th</sup> day of March, 2018







*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge

**EXHIBIT A**

MARK	REG. NO.	DATE	GOODS OR SERVICES
	718,016	07/04/1961	Retail grocery service
7-ELEVEN	896,654	08/11/1970	Retail grocery store service
	920,897	09/21/1971	Retail grocery store services
	1,035,454	03/09/1976	Sandwiches
	1,288,594	08/07/1984	Gasoline
	1,402,425	07/22/1986	Soft drinks for consumption on or off the premises
7-ELEVEN	1,702,010	07/21/1992	Coffee for consumption on or off the premises

MARK	REG. NO.	DATE	GOODS OR SERVICES
	2,642,740	10/29/2002	Coffee for consumption on or off the premises; soft drinks and semi-frozen soft drinks for consumption on or off the premises
7-ELEVEN	2,685,684	02/11/2003	Retail store services featuring gasoline and retail store services featuring convenience store items
	2,834,419	04/20/2004	Retail convenience store services
7-ELEVEN	2,914,788	12/28/2004	Gasoline
7-ELEVEN	3,338,512	11/20/2007	Gift card services
	3,644,842	06/23/2009	Retail convenience store services featuring the sale of food and beverage products for consumption on or off the premises
	3,679,337	09/08/2009	Retail convenience store services featuring food and beverage products for consumption on or off the premises
	3,679,341	09/08/2009	Retail convenience store services featuring food and beverage products for consumption on or off the premises
	4,917,149	03/15/2016	Retail convenience store services featuring food and beverage products for consumption on or off the premises